
DECISION MEMO



Idaho Fish and Game - Fish Creek Weir SUP Renewal

USDA Forest Service, Northern Region

Lochsa-Powell Ranger District

Nez Perce-Clearwater National Forests

Idaho County, Idaho



I. Decision

I am authorizing the renewal of the Idaho Department of Fish and Game's (IDFG) Special Use Permit for the Fish Creek Weir. The legal location is: T35N, R9E, SE¼, S29 (Boise Meridian).

A. Background

IDFG has held this permit since 1995.

B. Design Specifications / Equipment

The permit authorizes the following: 1) the continued operation and maintenance of a fish weir and screw trap for catching adult steelhead during upstream migration and for catching out-migration fry, fingerlings, and smolts; 2) the annual parking and occupation of a 14' x 25' camper trailer and wall tent at the end of NFS Road #462 from March through October or early November; and, 3) the plowing of snow on NFS Road #462 to the Fish Creek site, pursuant to annual approval from the Lochsa-Powell District Ranger. The Boulder Creek Weir is no longer needed and will not be a part of this permit. This renewal will authorize existing use and will be valid for a 20 year period from the date of issuance (the maximum term for this type of special use permit).

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that this project may be categorically excluded from documentation in an EA or EIS, and it meets all the criteria outlined in 36 CFR 220.6(e)(15): *Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.*

B. Finding of No Extraordinary Circumstances

I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6(b)). The rationale for my decision is based on: 1) the project fully meeting the criteria for Categorical Exclusions; 2) the project meeting the purpose and need; 3) the findings related to extraordinary circumstances, discussed below; 4) the project's consistency with laws and

regulations, including the Forest Plan; 5) on-the-ground reviews and discussions with Forest and/or District resource specialists; and, 6) my review of the Biological Assessments (BA), Biological Evaluations (BE), other agencies' concurrences, and/or specialists' reports.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

| Fish | Effect | Other Wildlife | Effect | Plants | Effect |
|---|---|--------------------------------------|---|---|-----------|
| Threatened, Endangered, Proposed, Candidate | | | | | |
| Bull trout, Steelhead trout, Fall chinook Salmon | Likely to adversely affect Bull and Steelhead trout; proposed activities will require the direct handling of fish species and obstruction/partial obstruction of fish passage. No effect on Fall chinook Salmon | Canada lynx | No effect | Water howellia, MacFarlane's four-o'clock, Spalding's catchfly, Whitebark pine | No effect |
| Sensitive | | | | | |
| West slope cutthroat trout, Pacific lamprey, Spring chinook salmon/EFH, Interior redband trout | Likely to result in a loss of viability on the planning area, in a trend to federal listing, or in a loss of species viability range wide | Fisher, Western (boreal) toad | May adversely impact individuals or habitat, but not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing or a loss of species viability range wide | | |

Through trapping operations, individuals are subject to capture / release, tagging, and altered migration due to weir placement. Proposed trapping operations had consultation under an Endangered Species Act (ESA) Section 6 Cooperative Agreement with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Proposed operations and construction of the adult weir and tagging operations, associated with screw trap operations, will likely adversely affect ESA listed fish, and were covered under current ESA Section 6 consultation with both the USFWS and NMFS; therefore, no additional consultation is needed.

Unless specifically listed in the table above, the project would have either "no effect" or "no impact" on Forest sensitive plant and wildlife species or habitats (details can be found in the ID Team specialists' reports within the project record). It also would not affect any migratory bird species.

Cumulative impacts to wildlife, fish, and plant populations and habitats are addressed through consideration of past, proposed and reasonably foreseeable actions, such as: road and trail construction and use, timber harvest, natural and prescribed fire, grazing, weed introductions, mining, and recreational uses. Based on consideration of these past, present, and reasonably foreseeable actions, the project would not have any incremental effect that would cause a cumulatively significant effect.

2. Floodplains, wetlands or municipal watersheds:

The project will not modify or occupy floodplains to an extent greater than already exists (complying with EO 11988), nor propose to modify or destroy wetlands (complying with EO 11990). The project is not located within a municipal watershed, and it complies with FSH 1909.15, Chapter 30.3.2, for these three types of watershed areas.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:

The project is not within congressionally designated areas; therefore, no extraordinary circumstances were identified.

4. Inventoried roadless or potential wilderness areas:

The proposed project is located within the "North Lochsa Slope" Idaho Roadless Area ("primitive" management area), and a roadless analysis was completed and presented at the November 7, 2014, Idaho Roadless Commission meeting. They found that the project meets the intent of the Idaho Roadless rule and is consistent with 36 CFR 294.26, "Other activities in Roadless Areas"; therefore, no extraordinary circumstances were identified.

5. Research Natural Areas:

The project area does not include land designated as a Research Natural Area; therefore, no extraordinary circumstances were identified.

6. American Indians and Alaska native religious or cultural sites:

The project has little likelihood to adversely affect native religious or cultural sites; therefore, no extraordinary circumstances were identified.

7. Archaeological sites or historical properties or areas:

The project has little likelihood to adversely affect historic properties; therefore, no extraordinary circumstances were identified.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

On September 8, 2014, the Nez Perce-Clearwater National Forests mailed letters to individuals, organizations, state and local agencies, and the Nez Perce and Coeur d'Alene tribes, providing information and seeking public comment. The letters, as well as any applicable responses, are contained within the project record.

IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find it is consistent with applicable Federal laws and regulations.

American Indian Treaty Rights: The Nez Perce Tribal Government Liaison and the Nez Perce Tribe reviewed the project and determined the proposed action will not affect Nez Perce Tribe treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

Clean Air Act: This project will comply with the provisions of the Clean Air Act and with the rules, regulations, and permit procedures of the Environmental Protection Agency and the Idaho Department of Environmental Quality.

Clean Water Act and Stage Water Quality Laws: The project will comply with the Clean Water Act, as well as state and Federal water quality laws.

Energy Requirements: No unusual energy demands are required to implement the project.

Environmental Justice: The project will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American citizen, in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

INFISH/PACFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding INFISH/PACFISH and RHCAs.

Migratory Bird Treaty Act: The project complies with: the Migratory Bird Treaty Act; the U.S. Fish and Wildlife Service Director's Order #131, related to the applicability of the Migratory Bird Treaty Act to Federal agencies; and, Executive Order 13186, meeting Agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service.

National Forest Management Act and Clearwater National Forest Plan: This action is consistent with the Clearwater National Forest Plan (USDA Forest Service 1987b), as amended, and as required by the National Forest Management Act of 1976.

National Historic Preservation Act: The project meets the Agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

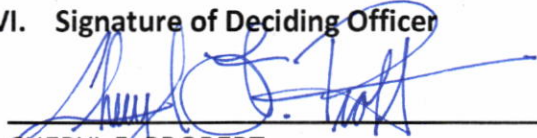
Prime Farm Land, Range Land, and Forest Land: The project complies with Federal Regulations for prime land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

Other Laws or Requirements: The project is consistent with all other Federal, state, or local laws or requirements for the protection of the environment and cultural resources.

V. Contact Person

Questions regarding this decision should be sent to Michael Brumbaugh, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs, Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; mhbrumbaugh@fs.fed.us or 208-935-4285.

VI. Signature of Deciding Officer



CHERYL F. PROBERT

Forest Supervisor

Nez Perce-Clearwater National Forests

5-21-15

Date

Enclosures: Map of Proposed Project

cc: Molly Puchlerz

Location of Proposed Project

